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Letter dated 24 October 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

I have the honour to forward the letter from Isaias Afwerki, President of the State of Eritrea, dated 24 October 2008, addressed to you, in connection with the maintenance of peace and security in Eritrea-Ethiopia and Djibouti-Eritrea (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

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Annex to the letter dated 24 October 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the Secretary-General

May I kindly request you to ensure that this letter is put on the record of the United Nations and circulated to all member States of the Security Council.

I would further like to express our gratitude to you for having circulated the report of the President of the Eritrea-Ethiopia Boundary Commission (EEBC), Sir Elihu Lauterpacht, of 25 August 2008, as a document of the Security Council (S/2008/630) dated 3 October 2008.

It must be underlined that the message of President Lauterpacht highlights the fundamental legal issues and substantive matters on all seven points invoked.

Paragraph 2 of the President's report states that the EEBC Delimitation Decision of 13 April 2002 and its determinations of 27 November 2006 are binding on the two parties.

Paragraph 3 of the report underlines that after the refusal of Ethiopia to nominate a replacement for its deceased Commissioner, "The Secretary-General of the United Nations has not exercised his power of appointment pursuant to article 4 (4) of the Algiers Agreement of 12 December 2000". The implications of this statement must be evident to you.

In paragraph 4, EEBC not only affirms that it has deposited with the United Nations copies of its maps as the last act of the conclusion of its legal mandate, but it further underlines the failure of Ethiopia to meet its financial obligations to EEBC, in violation of article 4 (17) of the Algiers Agreement.

In paragraph 5 , President Lauterpacht's report explains the legal rationale and significance of the Commission's letter of 18 June 2008 to the parties.

In paragraphs 6 and 7, the report underscores the importance of Eritrea's response of 1 July 2008 while confirming Ethiopia's failure to give any response.

In paragraph 8, the report asserts that after the completion of ongoing administrative tasks related to the termination of its mandate, EEBC will effectively consider itself "*functus officio*".

This historic message, at this crucial juncture, is a clarion call to the Security Council. This is a legal and moral message to the Council to shoulder its responsibilities and ensure the eviction of Ethiopia from Eritrea's sovereign territories that it is occupying in violation of the rule of law, the Charter of the United Nations and the final and binding decisions of EEBC as stipulated in the Algiers Peace Agreement.

It is against this backdrop that the United States Administration has chosen a "propitious" time to contrive and orchestrate a seemingly new and diversionary scheme under the rubric of a "border conflict". This was effected through the "submission" that the President of Djibouti was made to lodge anew with the Security Council yesterday. This appalling scheme has further been accompanied by outright intimidation and sabre-rattling against Eritrea. Eritrea's position on the whole episode has been clarified repeatedly and does not merit repetition here.

Eritrea will not abandon, under deceitful schemes and threats, its quest for justice and legality, its adherence to the rule of law and its compliance with the agreements it has signed. Eritrea will not indeed succumb to intimidation, nor will it be dragged into a non-existent conflict.

In the event, I urge the Security Council not to shrug off its responsibilities, but to ensure the eviction of Ethiopia's occupation from our sovereign territories, including the new occupation of our land at Mount Musa Ali since May of this year.

(*Signed*) Isaias **Afwerki**